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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,853	06/14/2006	Seiji Asano	011050.57881US	5982
23911 7590 06/08/2010 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				
EXAMINER				
LOUIE, WAE LENNY				
ART UNIT		PAPER NUMBER		
3661				
MAIL DATE		DELIVERY MODE		
06/08/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,853

Applicant(s)

ASANO, SEIJI

Examiner

WAE LOUIE

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SG-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai (6,222,463) in view of Jones 6,763,299.

Regarding applicant claims 1-4, 10-11, Rai discloses a **vehicle-mounted control unit capable of bi-directional communicating with a vehicle wirelessly wherein** (abstract, "bi-directional network"):

when an updating event occurs an information base station transmitting a query to all the vehicles under its management regarding whether or not a vehicle-mounted control unit that needs to be updated by the information management base station unit is present thereon (col.4, lines 1-30, "records may be updated annually or as needed. To preserve the data contents of electronic tag, a memory back-up battery is used." col.4, lines 31-45 "Vehicle base stations may be found within respective cells. Each vehicle base station is capable of communicating through cellular radio or other wireless means with portable interrogator which selectively queries electronic tag for registration, inspection, insurance, and/or maintenance record").

selects the vehicles to be updated based on the replies from the individual vehicles (col.5, lines 18-30, "portable interrogator may interrogate specific ")

carries out an update only on the selected vehicles (col. 1, lines 35-65, "updated records are then transmitted to the electronic tag for storage"; col.4, lines 31 "Vehicle base stations may be found within respective cells. Each vehicle base station is capable of communicating through cellular radio or other wireless means with portable interrogator which selectively queries electronic tag for registration, inspection, insurance, and/or maintenance record").

Rai is silent concerning **when an updating event occurs an information base station transmitting a query to all the vehicles under its management regarding whether or not a vehicle-mounted control unit that needs to be updated by the information management base station unit is present thereon**. Although Rai is silent concerning this inquiry of vehicles with the vehicle-mounted control units, it would have been obvious to one of ordinary skill in the art to have the vehicle-mounted control unit in this system in order for the driver to receive and respond to such inquiries. Rai does not include this step, but it would have been obvious to do since the control unit is the feature that allows for the communication to occur between the base-station and the individual vehicles. Jones discloses notification systems and methods with notifications based upon prior stop locations when "the vehicle approaches, is at, or leaves a stop location sending a communication to a party associated with a subsequent stop location to notify the party of impending arrival at the subsequent stop location" (abstract). Jones teaches prior art where the control unit can broadcast a user to employer,

spouse, parent, or other user, when the vehicle/user reaches a predetermined location. This is type of broadcast is old and well known in the art. It would have been obvious to one of ordinary skill in the art to broadcast updates to all vehicles under its management regarding the control units since updates and broadcasts are old and well-known in the art and would have been a matter of design choice.

Regarding applicant claims 5-9, 12-18, Rai discloses update information communication system wherein the information for the **reprogramming comprises at least one of programs and control constants for the vehicle mounted control units** (col.4, lines 31 "Vehicle base stations may be found within respective cells. Each vehicle base station is capable of communicating through cellular radio or other wireless means with portable interrogator which selectively queries electronic tag for registration, inspection, insurance, and/or maintenance record")

wherein the update allowed state comprises a state in which the vehicle is parked and not in operation. (col. 11, lines 57-col.12, line 8, "law enforcement officer may stop a vehicle and obtain registration records of the vehicle without the need of leaving the safety of his car.)

Response to Arguments

Applicant's arguments filed 3/8/2010 have been fully considered but they are not persuasive. Applicant states five points in which prior art does not teach or suggest the following:

1. It does not provide for the transmission by an information management base station of an inquiry to all vehicles under its management, regarding whether or not they have on board a vehicle mounted control unit that needs to be updated;

2. It contains no provision for the vehicle to determine whether or not it has such a control unit that needs to be updated, or for its sending a response to the management information base station indicating the result of such determination;
3. It contains no structure or methodology by which the base station selects individual vehicles that are to be updated based on the replies from such vehicles;
4. It contains no provision for the information management base station updating only those vehicles which have been selected as requiring updating; and
5. It contains no teaching or disclosure which suggests that updating can occur only when the vehicle is in an update-allowed state, such that it is parked and not in operation

Examiner disagrees with the assessment.

In regards to point 1, Rai is silent concerning broadcasting update information, but is deemed obvious in view of Jones which teaches prior art that broadcast to a select list/group of peoples with updates.

In regards to point 2-4, Rai teaches col.4, lines 31 "Vehicle base stations may be found within respective cells. Each vehicle base station is capable of communicating through cellular radio or other wireless means with portable interrogator which selectively queries electronic tag for registration, inspection, insurance, and/or maintenance record". It would have been obvious for the base station to interrogate whether or not the vehicle has this capability or not. And this would have been done on individual vehicles.

In regards to point 5, Rai teaches downloading of information at a stop (col.11, lines 57-col.12, line 8). It would have been obvious to one of ordinary skill in the art to allow for updating information the vehicle at a convenient time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jones (6,904,359), Obata (6,866,244), Laird (6,618,668) Jones (6,763,299) are further examples of the art in which communications occur between vehicles and a base station.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WAE LOUIE whose telephone number is (571)272-5195. The examiner can normally be reached on M-F 0700-1530.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wae Louie/
Examiner, Art Unit 3661

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661